

PETITION FOR ZONING VARIANCE 84-216-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a side yard setback of 7 feet instead of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

With myself, my son, and his wife with is now expecting, it is very necessary to build an additional bedroom to the side of the house in which the existing bedroom is located, and also to enlarge the kitchen and bathroom which is already located in the back of the house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Caroline Leona Ward

Signature

Signature

Address

(Type or Print Name)

City and State

Signature

Address for Petitioner:

21 Terrace Rd. 682-5022

Address

Baltimore, Md. 21221

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day

of January, 1984, at the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 29th day of February, 1984, at 10:15 o'clock

A. M.

Caroline Leona Ward

Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 19, that the herein Petition for Variance(s) to permit

RE: PETITION FOR VARIANCE
NE/S of Terrace Rd., 55' SE
of Avenal Rd. (21 Terrace Rd.)
15th District
CAROLINE LEONA WARD,
Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-216-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2183

I HEREBY CERTIFY that on this 7th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Caroline Leona Ward, 21 Terrace Road, Baltimore, MD 21221, Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 13, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

609
Nicholas B. Connolly
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Ms. Caroline L. Ward
21 Terrace Road
Baltimore, Md. 21221

RE: Item No. 158 - Case No. 84-216-A
Petitioner - Caroline Leona Ward
Variance Petition

Dear Ms. Ward:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Connolly, Jr.

NICHOLAS B. CONNOLLY
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

February 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #158 (1983-1984)
Property Owner: Caroline Leona Ward
N/E/S Terrace Rd. 55' S/E Avenal Rd.
Acres: 50 X 100 District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 158 (1983-1984).

Very truly yours,

Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

1-SW Key Sheet
4 NE 25 Pos. Sheet
NE 1 G Topo
97 Tax Map

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204

STEPHEN E. COLLINS
DIRECTOR

February 6, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 158 (1983-1984)
Property Owner: Caroline Leona Ward
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 158, 159, 162, 164, and 165.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSP/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date: February 13, 1984
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items
Meeting - January 3, 1984

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item # 158 - Caroline Leona Ward
- Item # 161 - Helen L. Goppert
- Item # 162 - Middle River Volunteer Fire Company, Inc.
- Item # 164 - Howard M. Harris, et ux
- Item # 165 - Dollie Jo Gleason

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/fth

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

February 13, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Caroline Leona Ward

Location: Ne/S Terrace Road 55' S/E Avenal Road

Item No.: 158 Zoning Agenda: Meeting of January 3, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
404-3010

ED PATISH JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

January 20, 1984

Dear Mr. Jablon:

Comments on the # 158 Zoning Advisory Committee Meeting are as follows:
Property Owner: Caroline Leona Ward
Location: NE/S Terrace Road 55' S/E Avenal Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side yard setback of 7' in lieu of the required 10'.

Acres: 50.1100
District: 15th.

The items checked below are applicable:

- (A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill #22 [unclear] and other applicable Codes.
- (B) A building/other permit shall be required before beginning construction.
- (C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table L01, line 2, Section 1107 and Table 1102, also Section 503.2.
- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section 4.
- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table L01.
- (I) Comments: It is assumed the structure is far enough removed not to be bothered by the high flood tide elevation (approx. 10'0").

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 N. Chesapeake Ave., Towson.

Very truly yours,

[Signature]
Charles E. Burdham, Chief
Plans Review

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 3, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of:

January 3, 1984

RE: Item No: (158) 159, 160, 161, 162, 163, 164, 165, 166, 167, & 168.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/lh

IN RE: PETITION ZONING VARIANCE
NE/S of Terrace Road, 55' SE
of Avenal Road (21 Terrace
Road) - 15th Election District
Caroline Leona Ward,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-216-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of seven feet instead of the required ten feet. The purpose of the request is to construct an addition to the existing 1 1/2-story dwelling, as more fully described on Petitioner's Exhibit 1.

The Petitioner and her son and his wife, who reside with her, appeared and testified. There were no Protestants.

Testimony indicated that the Petitioner and her family have lived on the subject property, zoned D.R.5.5, for approximately 30 years. The Petitioner maintains her living quarters on the second floor and her son and daughter-in-law, who are expecting a child, live on the first floor. They need the additional space required for a growing family. The proposed addition of a bedroom, kitchen area, and porch will wrap around the existing house. The bedroom will be located on the side of the house adjacent to the existing bedroom. The proposed utility area and kitchen expansion in the rear will afford the Petitioner a full kitchen area.

area of the existing driveway which leads to a garage at the rear of the property that has not been used for many years will be consumed. The addition cannot be built elsewhere on the property due to the configuration of the home and the location of the various rooms inside. The bathroom is in the rear of the house and if the addition were to be extended solely to the rear, the

bathroom would need to be relocated. Access to the bedroom would be through the kitchen.

The Petitioner seeks relief from Section 1802.3.C.1, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of March, 1984, that the Petition for Variance to permit a side yard setback of seven feet instead of the required ten feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE: March 2, 1984
BY: [Signature]

- 3 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: February 16, 1984
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Caroline Leona Ward - BA-216-A

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

ORDER RECEIVED FOR FILING

DATE: March 2, 1984
BY: [Signature]

Arnold Jablon
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning

February 16, 1984

Caroline Leona Ward - 84-216-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Director
Office of Planning and Zoning

MEG/JCH/st

PETITION FOR VARIANCE

15th Election District

ZONING: Petition for Variance
LOCATION: Northeast side of Terrace Road, 55 ft. Southeast of Avenal Road (21 Terrace Road)
DATE & TIME: Wednesday, February 29, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 7 ft. instead of the required 10 ft.

Being the property of Caroline Leona Ward, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 21, 1984

Ms. Caroline Leona Ward
21 Terrace Road
Baltimore, Maryland 21221

Re: Petition for Variance
NE/S of Terrace Rd., 55' SE of Avenal Rd. (21 Terrace Road)
Caroline Leona Ward - Petitioner
Case No. 84-216-A

Dear Ms. Ward:

This is to advise you that \$89.38 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126879

DATE 2-29-84 ACCOUNT R-01-615-000

AMOUNT \$39.38 cash

RECEIVED C. L. Ward
FOR Advertising & Posting Case 84-216-A

6 025*****350010 8294A

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 2, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 29th day of February, 1984, the first publication appearing on the 29th day of February, 1984.

THE JEFFERSONIAN,

Manager

Cost of Advertisement, \$14.00

PETITION FOR VARIANCE
15th Election District
ZONING: Petition for Variance
LOCATION: Northeast side of Terrace Road, 55 ft. Southeast of Avenal Road (21 Terrace Road)
DATE & TIME: Wednesday, Feb. 29, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit a side yard setback of 7 ft. instead of the required 10 ft. Being the property of Caroline Leona Ward, as shown on plat plan filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

Petition For Variance
15th Election District
ZONING: Petition for Variance
LOCATION: Northeast side of Terrace Road, 55 ft. Southeast of Avenal Road (21 Terrace Road)
DATE & TIME: Wednesday, Feb. 29, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
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The Times

Middle River, Md., Feb 9 1984

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 9th day of Feb. 1984
S. D. Wright Publisher.

March 2, 1984

Mrs. Caroline Leona Ward
21 Terrace Road
Baltimore, Maryland 21221

IN RE: Petition Zoning Variance
NE/S of Terrace Road, 55' SE of Avenal Road (21 Terrace Road) - 15th Election District
Caroline Leona Ward, Petitioner
Case No. 84-216-A

Dear Mrs. Ward:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

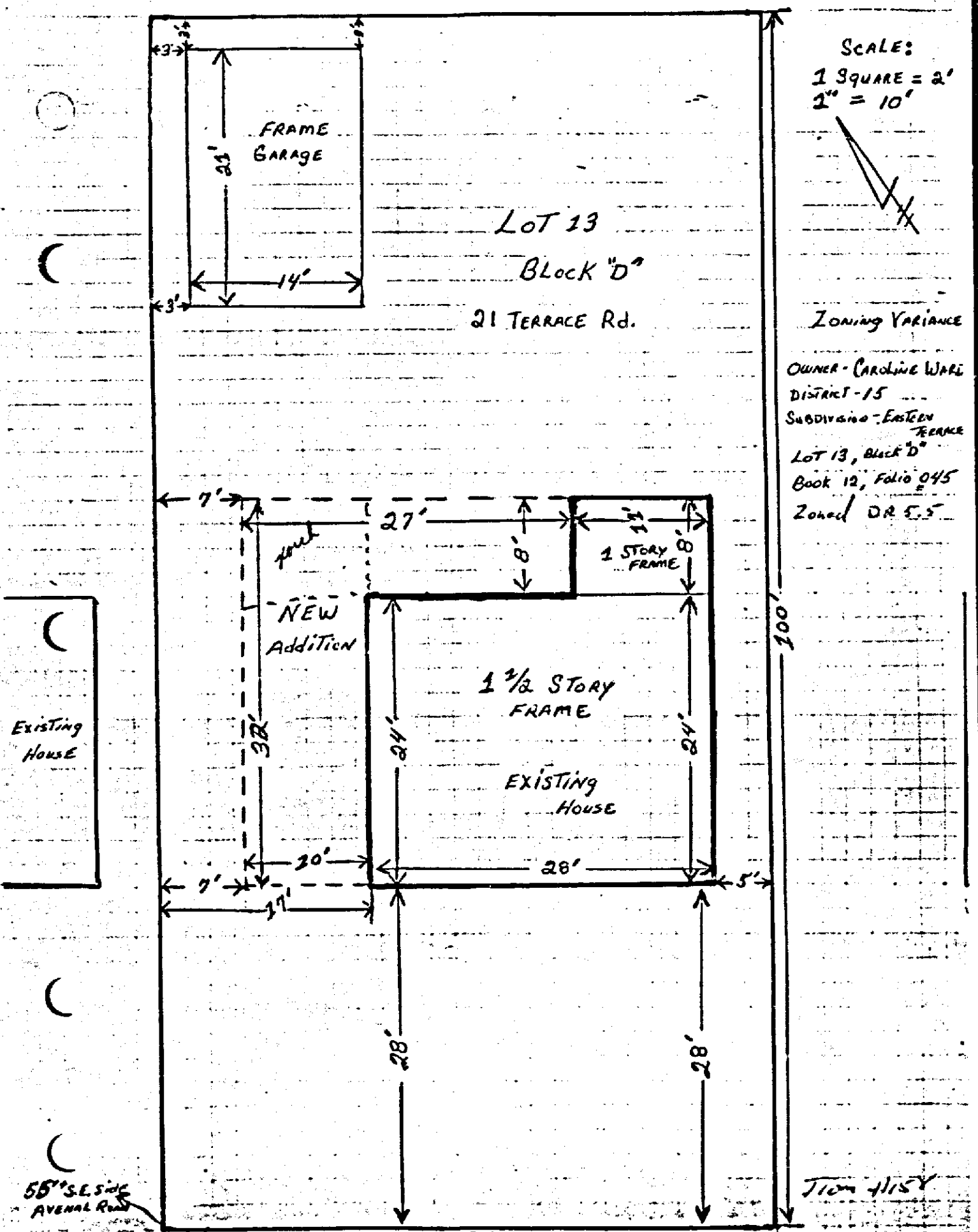
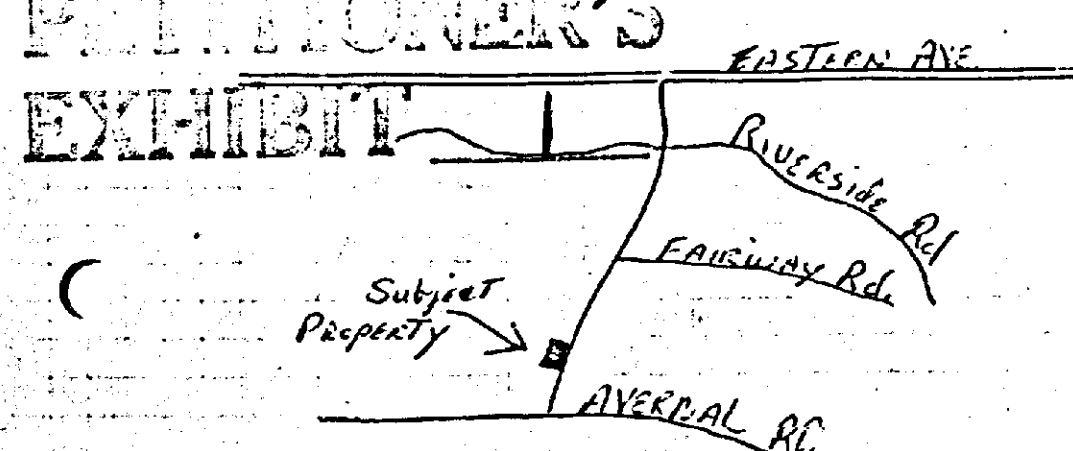
ARNOLD JABLON
Zoning Commissioner

ALJ/rl

Attachments

cc: People's Counsel

PETITIONER'S
EXHIBIT



Ms. Caroline Leona Ward
21 Terrace Road
Baltimore, Maryland 21221

NOTICE OF HEARING
Re: Petition for Variance
NE/S of Terrace Rd., 55' SE of Avenal Rd. (21 Terrace Road)
Caroline Leona Ward - Petitioner
Case No. 84-216-A

TIME: 10:15 A.M.

DATE: Wednesday, February 29, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Ms. Caroline L. Ward
21 Terrace Road
Baltimore, Md. 21221

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of January, 1984

ARNOLD JABLON
Zoning Commissioner

Petitioner Caroline Leona Ward
Petitioner's Attorney
Received by Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 2/12/84
Posted for: Petition for Variance
Petitioner: Caroline Leona Ward
Location of property: NE/S of Terrace Rd., 55' SE of Avenal Rd.
Location of Sign: front of property off 21 Terrace Rd.
Remarks: none
Posted by: M. A. Commodari Date of return: 2/14/84
Number of Signs: 1

84-216-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 123257

DATE 2-16-84 ACCOUNT R-01-615-000

AMOUNT \$35.10

RECEIVED C. L. Ward
FOR Filing fee to Jan 15th used

6 073*****350010 2194A

VALIDATION OR SIGNATURE OF CARRIER